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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SANDRA ENRIQUEZ, an Individual,

Plaintiff,

v.

WALMART INC. d/b/a WALMART
NEIGHBORHOOD MARKET, a Delaware
Corporation; ROBERT MCCOWN, an
Individual; DOES I-X; and ROE BUSINESS
ENTITIES XI-XX, inclusive,

Defendants.

CASE NO.: 2:19-CV-01304-RFB-DJA

**STIPULATION AND ORDER TO STAY
DISCOVERY PENDING SETTLEMENT
NEGOTIATIONS AND CONTINUE
DEADLINES**

[SECOND REQUEST]

Pursuant to Fed. R. Civ. P. 6, Fed. R. Civ. P. 26, LR 26-1, and LR 26-4, Plaintiff SANDRA ENRIQUEZ (“Plaintiff”); Defendant WALMART, INC., and ROBERT MCCOWN, (jointly, the “Parties”), by and through their respective counsel, hereby stipulate and agree to jointly move this Court for an Order staying discovery pending settlement negotiations and extending the current discovery deadlines by ninety (90) days.

I. STATEMENT OF DISCOVERY COMPLETED

1. The parties conducted a Fed. R. Civ. P. Rule 26(f) Conference on August 14, 2019.
2. Plaintiff served his Initial Disclosures Pursuant to Rule 26(a)(1) on August 15, 2019.

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3. Defendants served its Initial Disclosures Pursuant to Rule 26(a)(1) on August 13, 2019.

4. Plaintiff served her First Supplement to Initial Disclosures Pursuant to Rule 26(a)(1) on September 17, 2019.

5. Plaintiff served her Second Supplement to Initial Disclosures Pursuant to Rule 26(a)(1) on September 17, 2019.

6. Plaintiff served her Third Supplement to Initial Disclosure Pursuant to Rule 26(a)(1) on September 25, 2019.

7. Plaintiff served her Fourth Supplement to Initial Disclosure Pursuant to Rule 26(a)(1) on October 14, 2019.

8. Plaintiff served her Fifth Supplement to Initial Disclosure Pursuant to Rule 26(a)(1) on October 24, 2019.

9. Plaintiff served her Sixth Supplement to Initial Disclosure Pursuant to Rule 26(a)(1) on February 11, 2020.

10. Plaintiff served her Seventh Supplement to Initial Disclosure Pursuant to Rule 26(a)(1) on February 13, 2020.

11. Defendants served its First Supplemental to Initial Disclosure Pursuant to Rule 26.1(a)(1) on December 10, 2019.

12. Defendants served its Second Supplemental to Initial Disclosure Pursuant to Rule 26.1(a)(1) on February 7, 2020.

13. Defendants served its First Set of Interrogatories, Request for Production of Documents and Request for Admissions to Plaintiff on August 30, 2019.

14. Plaintiff served her Answers/Responses to Defendants Interrogatories, Requests for Production of Documents, and Requests for Admissions on September 30, 2019.

15. Plaintiff served her First Set of Interrogatories, and Requests for Admissions to Defendant Robert McCown on November 5, 2019.

16. Plaintiff served her First Set of Interrogatories, Requests for Production of Documents, and Requests for Admissions to Defendant Walmart on November 5, 2019.

17. Defendant Robert McCown served his Answers/Responses to Defendants Interrogatories, and Requests for Admissions on December 9, 2019.

18. Defendants Walmart served its Answers/Responses to Defendants Interrogatories, Request for Production of Documents, and Requests for Admissions on December 9, 2019.

17. A site inspection of the Walmart Stores was scheduled for April 3, 2020 but has since been vacated pending a settlement conference/mediation.

18. The deposition of Defendant Walmart's 30(b)(6), was taken on February 6, 2020.

19. The deposition of Plaintiff's Sandra Enriquez was taken on February 25, 2020.

20. The deposition of witness Henry Enriquez was taken on February 25, 2020.

21. The deposition of Defendant Robert McCown was scheduled for March 13, 2020 but has since been vacated pending a settlement conference/mediation.

22. The depositions of Walmart's Store employee, Anthony Chavez was scheduled for March 13, 2020 but has since been vacated pending a settlement conference/mediation.

22. The depositions of Walmart's Store employee, Cody Clark was scheduled for March 13, 2020 but has since been vacated pending a settlement conference/mediation.

III. DISCOVERY PLAN (DISCOVERY WHICH REMAINS TO BE COMPLETED)

1. The Parties are still waiting on receipt of complete copies of Plaintiff's medical records, per the provided HIPAA authorizations:

2. Deposition of Defendant, Robert McCown
3. Deposition of Walmart Store employee Anthony Chavez
4. Deposition of Walmart Store employee Cody Clark
5. Depositions of percipient witnesses, as necessary
6. Depositions of treating physicians, as necessary
7. Disclosure of experts and rebuttal expert witnesses
8. Deposition of Plaintiff's and Defendants' expert witnesses and rebuttal experts, as necessary
9. Site Inspection of the premises
10. Plaintiff's Rule 35 examination with Defendant's expert physicians.

11. Additional written discovery (as necessary)

12. Other discovery as needed

IV. GROUNDS FOR DISCOVERY EXTENSION

Plaintiff and Defendants have been diligently pursuing discovery, including serving disclosures, requesting records, serving/responding to written discovery, and taking depositions. The parties, however, have recently engaged in settlement negotiations. Accordingly, to allow the parties to effectively pursue settlement options while avoiding unnecessary expenses, including costly depositions and the retention of multiple experts, as well as to sufficient time for the above records to be received, depositions to be taken and the disclosure of experts should negotiations fail, Plaintiff and Defendants have agreed to stay discovery and extend the current deadlines herein for ninety (90) days.

V. PROPOSED SCHEDULE FOR COMPLETING DISCOVERY

If the parties do not settle this case at the above-referenced mediation, the following new discovery schedule has been proposed:

1. Extend the discovery cut-off deadline from June 8, 2020 to **September 9, 2020.**
2. Extend the deadline to disclose initial experts from April 9, 2020 to **July 9, 2020.**
3. Extend the deadline to file the Interim Status Report from April 9, 2020 to **July 9, 2020.**
4. Extend the deadline to disclose rebuttal experts from May 8, 2020 to **August 7, 2020.**
5. Extend the deadline to file dispositive motions from July 3, 2020 to **October 2, 2020.**
6. Extend the deadline to file the Pre-Trial Order from August 3, 2020 to **November 3, 2020.**

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If this extension is granted, all anticipated additional discovery should be concluded within the stipulated extended deadline. The parties aver that this request for extension of discovery deadlines is made by the parties in good faith and not for the purpose of delay.

DATED: March 13, 2020

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/s/ Sean K. Claggett

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DATED: March 13, 2020

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 Robert McCown*

IT IS SO ORDERED:



UNITED STATES MAGISTRATE JUDGE

March 20, 2020
DATED: _____

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